

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

BARBARA DAHLBERG, individually,  
and as Personal Representative of the  
Estate of Ronald Dahlberg,

Plaintiff,

vs.

No. CIV 11-203 RHS/LFG

MCT TRANSPORTATION, LLC. et al.,

Defendants.

**ORDER DENYING DEFENDANT MCT TRANSPORTATION, LLC  
AND DANIEL O'BRIEN'S MOTION FOR PARTIAL SUMMARY JUDGMENT  
ON THE ISSUE OF PUNITIVE DAMAGES**

THIS MATTER comes before the Court on Defendant MCT Transportation, LLC and Daniel O'Brien's Motion for Partial Summary Judgment On the Issue of Punitive Damages (Doc. 75). The Court has now considered the Motion, the Response (Doc. 81) and the Reply (Doc. 88), as well as all of the pleadings on file in the above-captioned cause and hereby concludes that the Motion as originally submitted must be denied.

Defendants moved for summary judgment on the sole issue of punitive damages. Defendants stated the elements for punitive damages in their Motion (Doc. 75). However, Defendants' statement of undisputed material facts (Doc. 76 at 2) does not specifically address the elements of punitive damages. Defendants may address this deficiency and re-file a motion for summary judgment by October 20, 2011.

IT IS THEREFORE ORDERED that Defendants may re-file their motion summary judgment by October 20, 2011 to clearly state undisputed material facts relevant to punitive damages.



Robert Hayes Scott  
United States Magistrate Judge